



GENERAL STATE OPERATING PERMIT FOR

APPLICATION OF AQUATIC HERBICIDES TO
REELFOOT LAKE

PERMIT NO. SOPHAR001

Under authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.), owner/operators or persons are authorized to apply contact herbicides to waters of the state, in accordance with the following permit requirements as set forth in parts I through VI herein, to Reelfoot Lake, a water of the State of Tennessee.

This permit is issued on: September 26, 2003

This permit is effective on: November 1, 2003

This permit expires on: September 25, 2008

A handwritten signature in blue ink, appearing to read "Paul E. Davis".

for

Paul E. Davis, Director
Division of Water Pollution Control

**STATE GENERAL PERMIT
FOR
THE APPLICATION OF AQUATIC HERBICIDES TO REELFOOT LAKE**

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Reelfoot Lake Aquatic Herbicide SOP GP Introduction and Reporting Requirements

Introduction --

The following document is a State of Tennessee permit that authorizes the application of aquatic herbicides to the Tennessee portion of Reelfoot Lake. To obtain coverage under this permit, one must comply with all terms and conditions required by the Tennessee Wildlife Resources Agency (TWRA) through its individual permit program. Appendix A of this permit is the TWRA permit application

This permit is a state-issued general permit, with a permit number of SOPHAR001. A general permit is one designed to apply to a category of sources that involve the same or substantially similar operations, discharge the same types of wastes, and require the same or similar permit conditions and monitoring provisions.

Detailed information regarding the aquatic herbicide application program can be found at the web site <http://www.state.tn.us/environment/permits>. In order to get more information regarding the Division of Water Pollution Control (the division) permitting program, we ask you to visit our web site located at: <http://www.state.tn.us/environment/permits/index.html>. At our web site, you will be able to download general and specific permit requirements, permit forms, public notices, find question and answer documents, links to other relevant web sites, etc. The [Glossary of Terms](#) can be found in TDEC's [Environmental Permitting Handbook](#). You can contact us by sending an [E-mail](#) by selecting "Water Pollution Control" from the pull-down menu. If you do not have access to the Internet, or have other questions, please contact us at 1-888-891-8332 (TDEC).

Reporting requirements of this permit --

This permit requires that TWRA provide an annual report to the division that summarizes all aquatic herbicide application activities on Reelfoot Lake. This report is due November 30th of each year and should contain information regarding the types and amounts of herbicides actually applied, the extent of the areas treated, and type and extent of aquatic vegetation treated.

I. COVERAGE UNDER THIS GENERAL PERMIT

A. Permit Area

The permit is being issued for the Tennessee portion of Reelfoot Lake. This permit does not apply to the portion of Reelfoot Lake that is contained within the Reelfoot Lake National Wildlife Refuge.

B. Jackson EAC Address and Phone Number

<u>EAC NAME</u>	Address	City	Zip	Area Code	Phone Number
<u>Jackson</u>	362 Carriage House Drive	Jackson	38305-2222	731	512-1300

All Environmental Assistance Centers (EACs) may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC).

C. Eligibility

1. Activities Covered

This permit addresses application of aquatic herbicides to Reelfoot Lake. This permit is issued to be effective for a term of 5 years.

This permit allows only the use of herbicides approved by the Tennessee Department of Agriculture (TDA) for the control of both emergent and non-emergent aquatic plants.

TDA regulations require that an individual applying aquatic herbicides must be licensed or working under the supervision of someone with a license. There are other requirements as well, which are found in Chapters 0080-6-14 and 0080-6-16 of the rules that implement the Tennessee Insecticide, Fungicide and Rodenticide Act (43-8-101, et. seq.).

The rules can be found at <http://www.state.tn.us/sos/rules/0080/0080-06/0080-06.htm>. For further information concerning TDA's requirements contact the Regulatory Services Division at (615) 837-5103.

Application of herbicides is limited to a total treatment area of 4 acres or less around duck blinds or theor fixed structures. Square footage determination will include the treated area along boat channels and/or along navigable boat lanes to provide blind access, in addition to the treated area around the structure(s).

2. Limitations on Coverage

This permit does not apply to discharges or activities that the director determines are contributing or may reasonably be expected to be contributing to a violation of a water quality standard, or to any person who discharges in violation of the Water Quality Control Act, or the regulations promulgated thereunder.

3. Threatened and Endangered Species Protection

Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

4. Permit Eligibility Regarding Protection of Water Quality Standards and Compliance with State Anti-Degradation Requirements

The application of pesticides to control nuisance aquatic weeds is allowed so long as the conditions of this permit are satisfied and the transitory water quality impact is limited to the vicinity of the herbicide application and to the minimum time necessary to accomplish the desired aquatic pest control objectives.

Pursuant to the Rules of the Tennessee Department of Environment and Conservation (TDEC), [Chapter 1200-4-3-.06](#), titled “Tennessee Antidegradation Statement,” the permittee is not authorized to conduct any activity that will result in permanent degradation.

II. AUTHORIZATION UNDER THIS PERMIT

Except as provided in subparagraph I.C.2 above (Limitations on Coverage), a person is permitted to apply aquatic herbicides to the Tennessee portion of Reelfoot Lake in accordance with the terms of this permit and of [T.C.A. § 69-3-108\(b\)](#). Any discharges or activities not permitted under this permit or by an individual permit are unlawful under [T.C.A. § 69-3-108\(b\)](#). The division may grant or deny coverage under this permit or require an application for an individual permit. General permits may be issued, modified, revoked, reissued or terminated in accordance with this permit and the applicable requirements of [T.C.A. § 69-3-108](#).

III. REPORTING

A. Annual Report

TWRA must provide an annual report summarizing herbicide application activities to the Division of Water Pollution Control beginning on November 30, 2003, and annually thereafter.

B. Where to Submit

Annual reports must be sent to:

**Tennessee Division of Water Pollution Control
Enforcement and Compliance Section
Attention: Compliance Review
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534**

IV. STANDARD PERMIT CONDITIONS

1. Penalties for Violations of Permit Conditions

Pursuant to [T.C.A. § 69-3-115](#) of The Tennessee Water Quality Control Act of 1977, as amended:

- a) any person who violates an effluent standard or limitation or a water quality standard established under this part ([T.C.A. § 69-3-101](#), et.seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to \$10,000 per day for each day during which the act or omission continues or occurs;
- b) any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part ([T.C.A. § 69-3-101](#), et.seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;
- c) any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part ([T.C.A. § 69-3-101](#), et.seq.) commits a Class E felony and shall be punished by a fine of not more than \$25,000 or incarceration, or both.

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of treated wastewater to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law.

2. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of State, or local laws or regulations.

A. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Placement of signs

The permittee shall place and maintain at least two signs around the affected area before and during application and at least one week after application advising the public that herbicides are being used, the type of herbicide, and any applicable warnings. These signs must contain the name of the owner/operator or person to whom the permit is issued and a contact phone number. These signs should be a minimum of two feet by two feet (2' by 2') with one inch (1") letters, have a white background with black letters, made of durable material, and readable both from the water and from the shore.

<p>AQUATIC HERBICIDE APPLICATION (PERMITTEE'S NAME) (PERMITTEE'S PHONE NUMBER) SOPHAR001 TWRA PERMIT NUMBER ***** TWRA, 731-253-7343 TENNESSEE DIVISION OF WATER POLLUTION CONTROL, JACKSON EAC 1-888-891-8332</p>
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C. Best Management Practices

The applicator shall comply with all pesticide label instructions. When application conditions in this permit issued by the department differ from those on pesticide labels, the more stringent of the two requirements must be complied with. However, no condition in this permit shall reduce the requirements on the pesticide label. All applicable federal, state, and local laws and ordinances shall be followed.

V. REOPENER CLAUSE

A. Potential or Realized Impacts on Water Quality

If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any effluent discharge covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit or the permit may be modified to include different limitations and/or requirements.

VI. DEFINITIONS

CALENDAR DAY, for the purpose of this permit, is defined as any 24-hour period.

DIRECTOR means the director of the Tennessee Division of Water Pollution Control, or an authorized representative.

SITE, for the purpose of this permit, shall mean the location at which the herbicide application will take place.

WATERS OF THE STATE or simply WATERS is defined in the Tennessee Water Quality Control Act and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of

water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters.

NEXT PAGE (A-1): APPENDIX 1 – TWRA Permit Application

Reelfoot Wildlife Management Area
Vegetation Manipulation Application/Permit

Reelfoot Preservation Permit #or; _____ Blind Site # _____
Sportsman's License # _____ (If Applicable)

Purpose of Request: _____

Job Site Location: _____

Methods Used to Control Vegetation: _____

Person(s) Applying Control Methods: _____

Date Work Is To Be Completed: _____

*Diagram or map with correct compass direction orientation showing duck blind, shooting hole, trees, other vegetation, or physical features to describe site. Show site to be treated on map with exact dimensions of area to be sprayed or manipulated (i.e., strip 15' x 100' or a 50' x 50' square behind blind).

VII. DIAGRAM OR MAP OF WORK SITE

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Herbicides must be EPA approved for aquatic habitats and applied at label recommended rates. All methods must comply with existing water quality standards. Applicant agrees to limit vegetation manipulation to items described in this permit.

Applicant Signature _____ Date _____

Application Approved _____ Area Manager _____
Date _____

Application Denied _____

Permit Expires On: _____ , _____

TDA regulations require that an individual applying aquatic herbicides must be licensed or working under the supervision of someone with a license. There are other requirements as well, which are found in Chapters 0080-6-14 and 0080-6-16 of the rules that implement the Tennessee Insecticide, Fungicide and Rodenticide Act (43-8-101, et. seq.). The rules can be found at <http://www.state.tn.us/sos/rules/0080/0080-06/0080-06.htm>. For further information concerning TDA's requirements contact the Regulatory Services Division at (615) 837-5103.